

The Court notes that whether a custom exists is a question of fact. *Lopez v. City of Houston*, No. CIV.A. H-02-3809, 2008 WL 437056, *9 (S.D. Tex. Feb. 14, 2008) (citing *Bennett v. City of Slidell*, 728 F.2d 762, 768 (5th Cir. 1984)). Moreover, Defendants do not explain how the probative value is substantially outweighed by a danger of unfair prejudice.

22. Any evidence, statement or argument concerning settlement agreements and/or nondisclosure agreements signed by other Collin College employees. Such evidence/testimony is irrelevant and/or any probative value of admitting such evidence does not substantially outweigh its prejudicial effect. Fed. R. Evid. 401, 403.

Granted X **Denied** _____ **Agreed** _____

While the factual basis of other potential first amendment retaliation allegations might be relevant, the Court does not see how settlement agreements or nondisclosure agreements are relevant.

23. Any evidence, statement or argument concerning the unauthenticated video of Dr. Robert Collins at an apparent campaign event, or any other videos of members of the college's Board of Trustees.

Granted _____ **Denied** X **Agreed** _____

37. Any evidence, statement or argument concerning allegations of harassment or retaliation at Collin College unrelated to Plaintiff.

Granted _____ **Denied** X **Agreed** _____

The Court notes that whether a custom exists is a question of fact. *Lopez v. City of Houston*, No. CIV.A. H-02-3809, 2008 WL 437056, *9 (S.D. Tex. Feb. 14, 2008) (citing *Bennett v. City of Slidell*, 728 F.2d 762, 768 (5th Cir. 1984)). Moreover, Defendants do not explain how the probative value is substantially outweighed by a danger of unfair prejudice.

38. Any evidence, statement or argument from Plaintiff or any other lay witness as to what they have been told by any doctor, nurse, or other healthcare professional about the degree, cause, nature, or extent of any injuries to Plaintiff's physical, mental, emotional, and/or psychological condition.

Granted X **Denied** _____ **Agreed** _____

The Court is not convinced that any exception to the rule against hearsay applies here. *See Gray v. Energy XXI GOM LLC*, No. CIV.A. 12-165-JJB, 2013 WL 4011990, *6 (M.D. La. Aug. 5, 2013) ("Reference by [the plaintiff] as to what he was told by a physician, osteopath, chiropractor or any other healthcare provider with regard to physical conditions, disabilities, or recommended treatments is excluded as hearsay under Federal Rule of Civil Procedure 802.").

IT IS SO ORDERED.

SIGNED this 6th day of November, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE